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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,778	12/16/2003	Shinji Matsumoto	023971-0349	4068
22428	7590	09/08/2005	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			TRAN, DALENA	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/735778

EXAMINER
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ART UNIT	PAPER
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20050905

DATE MAILED:

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Commissioner for Patents

A

## Office Action Summary

**Application No.**

10/735,778

**Applicant(s)**

MATSUMOTO ET AL.

**Examiner**

Dalena Tran

**Art Unit**

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 17 and 23 is/are allowed.
- 6) ☒ Claim(s) 11-16, 18-22, 24-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/24/05</u>   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### Notice to Applicant(s)

1. This office action is responsive to the amendment filled on 6/24/05. Claims 1-25 are pending.

The prior art submitted on 8/24/05 has been considered.

2. *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-16, 18-22, and 24-25, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 11, 18, and 24-25, “softening a criterion” is unclear since it does not specify in the claim what value or what controlled variable will be controlled based on the controlled variable of the lane deviation prevention control when the vehicle dynamic control is inoperative, and what is that mean “softening” in the claim. Correction or clarification in the claim is required.

As per claim 12, paragraph (g), “**initiating** the vehicle dynamics control when the yaw rate deviation exceeds the yaw rate deviation threshold value **under a condition** where the vehicle dynamics control is **inoperative**”, it is indefinite because if the vehicle dynamics control is **inoperative** (or understand as not operate), how can the process can be initiating because the system is not operate.

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Also, in claim 12, the last paragraph “decreasingly compensating for the yaw rate deviation”, is indefinite because it is unclear that the decreasing of the yaw rate deviation or the compensation for the yaw rate deviation is in the claim invention. There is no step of compensation for the yaw rate deviation in claim 12, so what is that mean “decreasingly compensating”. Correction or clarification in the claim is required.

As per claim 13, paragraph (g) is rejected the same as 12(g) as above. Also, the last paragraph of claim 13, the phrase “decreasingly compensating” is rejected the same as claim 12 as above. Correction or clarification in the claim is required.

Claim 14 is depended on claim 13.

Claims 15-16, the phrase “decreasingly compensating” is unclear since it is not specify the decreasing of the yaw rate deviation or the compensation for the yaw rate deviation is in the claim invention. Correction or clarification in the claim is required.

As per claims 19-20, the third paragraph, “**initiating** the vehicle dynamics control when the yaw rate deviation exceeds the yaw rate deviation threshold value **under a condition** where the vehicle dynamics control is **inoperative**”, it is indefinite because if the vehicle dynamics control is **inoperative** (or understand as not operate), how can the process can be initiating because the system is not operate.

Also, the last paragraph in claims 19-20, “decreasingly compensating for the yaw rate deviation”, is indefinite because it is unclear that the decreasing of the yaw rate deviation or the compensation for the yaw rate deviation is in the claim invention. There is no step of compensation for the yaw rate deviation in claim 12, so what is that mean “decreasingly compensating”. Correction or clarification in the claim is required.

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As per claims 21-22, the phrase "decreasingly compensating" is unclear since it is not specify the decreasing of the yaw rate deviation or the compensation for the yaw rate deviation is in the claim invention. Correction or clarification in the claim is required.

3. Claims 1-10, 17, and 23 are allowable.

#### **Remarks**

4. The amendment filled on 6/24/05 has been fully considered. Upon reviewing the claims invention and the updated search, the new ground of rejection as above.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-F 6:30 AM-4:00 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner  
Dalena Tran



September 5, 2005